

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MICHAEL DEMAR JINGLES,

Case No. 3:22-cv-00252-MMD-CLB

Petitioner,

ORDER

v.

WARDEN BACA, *et al.*,

Respondents.

Pro se Petitioner Michael DeMar Jingles has failed to comply with the Court's July 5, 2022, order (ECF No. 5). Jingles initiated this case by filing a petition for writ of habeas corpus under 28 U.S.C. § 2254. (ECF No. 1-1 ("Petition").) The Court completed an initial review under Rule Four of the Rules Governing Section 2254 Cases in the United States District Courts. (ECF No. 5.) In that initial review, the Court determined that Jingles's Petition, which was filed almost two years after the statute of limitations had run, was untimely on its face. (*Id.* at 3.) As such, the Court ordered Jingles to show cause as to why the Petition should not be dismissed with prejudice as time-barred under § 2244(d). (*Id.* at 4.) The Court warned that if Jingles did not respond to the order to show cause within 45 days, the Petition would be dismissed with prejudice and without further advance notice. (*Id.*) That 45-day deadline expired on August 19, 2022. To date, Jingles has not filed a response to the order to show cause, requested an extension of time, or taken any other action to prosecute this case.

It is therefore ordered that this action is dismissed with prejudice based on Jingles's failure to comply with the Court's Order (ECF No. 5).

1 It is further ordered that Jingles is denied a certificate of appealability, as jurists of
2 reason would not find dismissal of the Petition for the reasons stated herein to be
3 debatable or wrong.

4 The Clerk of Court is directed to add Nevada Attorney General Aaron D. Ford as
5 counsel for Respondents. No response is required from Respondents other than to
6 respond to any orders of a reviewing court.

7 It is further ordered that, pursuant to Rule Four of the Rules Governing Section
8 2254 Cases, the Clerk of Court is directed to file the Petition (ECF No. 1-1) and informally
9 serve the Nevada Attorney General with the Petition (ECF No. 1-1), this order, and all
10 other filings in this matter by sending a notice of electronic filing to the Nevada Attorney
11 General's Office.

12 The Clerk of Court is directed to enter final judgment accordingly, dismissing this
13 action with prejudice, and close this case.

14 DATED THIS 23rd Day of August 2022.

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MIRANDA M. DU
18 CHIEF UNITED STATES DISTRICT JUDGE
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